

Notice of Allowability

Application No.

10/057,548

Examiner

Jennifer R. Sadula

Applicant(s)

WELLINGHOFF ET AL.

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The amendment filed 1/31/05.
2. ☒ The allowed claim(s) is/are 182-183, 185-195, 197-209, 211-228, 230-236.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 1/31/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 1/31/05 has been considered by the examiner. The US cited references which have been crossed off were considered in previous submissions. The Hellwig NPL reference was submitted in German and is only considered on the basis of what the Examiner could interpret and nothing more. The Hutchins NPL reference (1983) is missing pages 1360-1361 and thus was only considered for page 1362. The Meek NPL reference was not received and thus was not considered. The Geng NPL reference was not listed with a date and thus was not considered because one of ordinary skill could not find this reference with this citation. The same holds true for Wang and Panyayong.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paula Morris on 3 March 2005.

The application has been amended as follows:

In the specification:

The abstract has been replaced with the following abstract:

“A method for producing platform molecules comprising: forming a mixture comprising first and second phenylene rings comprising halogenated carboxylic groups, and a third phenylene ring comprising a desired substituent and a first functionality at a para-position to a second functionality; and exposing the mixture to conditions effective to react the first halogenated carboxylic group with the first functionality to produce a first ester bond, and the second halogenated carboxylic group with the second functionality to produce a second ester bond; producing platform molecules comprising terminal groups comprising the first functional group at a position para to first ester bond and the second functional group at a position para to the second ester bond.”

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In the claims:

Claims 184, 196, 210, 229, and 237-247 have been cancelled.

In claim 182, line 3, the word "halogenated" has been added between the word "first" and the phrase "carboxylic group".

In claim 182, lines 3-4, the phrase "selected from the group consisting of carboxyl groups and reactive derivatives of carboxyl groups" has been deleted.

In claim 182, line 6, the word "halogenated" has been added between the word "second" and the phrase "carboxylic group".

In claim 182, lines 6-7, the phrase "selected from the group consisting of carboxyl groups and reactive derivatives of carboxyl groups" has been deleted.

In claim 182, line 12, the word "halogenated" has been added between the word "first" and the phrase "carboxylic group".

In claim 182, line 14, the word "halogenated" has been added between the word "second" and the phrase "carboxylic group".

In claim 182, line 19, the group "HO-(CH₂)_n-O-" has been deleted and replaced with "H-(CH₂)_n-O-".

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In claim 183, lines 10-12 have been replaced with the following:

“converting said nitrobenzoic carboxyl group to a halogenated nitrobenzoic carboxyl group; and providing said 4-(n-hydroxyalkoxy)benzoic acid comprising said halogenated nitrobenzoic carboxylic group as one or more of said first phenylene ring and said second phenylene ring, one or more of said first halogenated carboxylic group and said second halogenated carboxylic group comprising said halogenated nitrobenzoic carboxyl group.”

In claim 185 the dependency has been changed to depend from claim 183.

In claim 185, line 2, the phrase “reactive derivative thereof” has been replaced with “halogenated nitrobenzoic group”.

In claim 187 the dependency has been changed to depend from claim 183.

In claim 189 the dependency has been changed to depend from claim 183.

In claim 192, line 4, between the word “additional” and the phrase “carboxylic group(s)” the word “halogenated” has been added.

In claim 192, lines 4-6, the phrase, “selected from the group consisting of carboxyl groups and reactive derivatives of carboxyl groups” has been deleted.

In claim 192, line 8, between the word “additional” and the phrase “carboxylic group(s)” the word “halogenated” has been added.

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In claim 193, line 4, between the word “additional” and the phrase “carboxylic group(s)” the word “halogenated” has been added.

In claim 193, lines 4-6, the phrase, “selected from the group consisting of carboxyl groups and reactive derivatives of carboxyl groups” has been deleted.

In claim 193, line 8, between the word “additional” and the phrase “carboxylic group(s)” the word “halogenated” has been added.

In claim 195, line 7, after the phrase “4-(n-hydroxyalkoxy)benzoic acid”, the phrase “comprising a nitrobenzoic carboxyl group” has been added.

In claim 195, between lines 8 and 9 the following has been added:
“converting said nitrobenzoic carboxyl group to a halogenated nitrobenzoic carboxyl group;”

In claim 195, line 9, after the phrase “4-(n-hydroxyalkoxy)benzoic acid”, the phrase “comprising said halogenated nitrobenzoic carboxyl group” has been added.

In claim 195, lines 10-11, between the word “first” and the phrase “carboxylic group” the word “halogenated” has been added.

In claim 195, line 11, between the word “second” and the phrase “carboxylic group” the word “halogenated” has been added.

In claim 195, line 14, between the word “first” and the phrase “carboxylic group” the word “halogenated” has been added.

In claim 195, line 16, between the word “second” and the phrase “carboxylic group” the word “halogenated” has been added.

In claim 197 the dependency has been changed to depend from claim 195.

In claim 198, lines 2-3, the phrase "a carboxyl group or a reactive derivative of a" has been deleted and replaced with "an additional halogenated".

In claim 202, line 1, the phrase "said esterification conditions further" has been deleted and replaced with "said cleaving conditions".

In claim 202, line 3, the word "the" has been deleted.

In claim 227, line 3, the word "halogenated" has been added between the word "first" and the phrase "carboxylic group".

In claim 227, lines 3-4, the phrase "selected from the group consisting of carboxyl groups and reactive derivatives of carboxyl groups" has been deleted.

In claim 227, line 6, the word "halogenated" has been added between the word "second" and the phrase "carboxylic group".

In claim 227, lines 6-7, the phrase "selected from the group consisting of carboxyl groups and reactive derivatives of carboxyl groups" has been deleted.

In claim 227, line 10, the word "halogenated" has been added between the word "first" and the phrase "carboxylic group".

In claim 227, line 12, the word "halogenated" has been added between the word "second" and the phrase "carboxylic group".

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In claim 227, line 20, the word "halogenated" has been added between the word "additional" and the phrase "carboxylic group(s)".

In claim 227, lines 26-27, the group "HO-(CH₂)_n-O-" has been deleted and replaced with "H-(CH₂)_n-O-".

In claim 228, lines 11-14 have been replaced with the following:
"converting said nitrobenzoic carboxyl group to a halogenated nitrobenzoic carboxyl group; and providing said 4-(n-hydroxyalkoxy)benzoic acid as one or more of said first phenylene ring comprising said first halogenated carboxylic group, said second phenylene ring comprising said second halogenated carboxylic group, and said additional phenylene ring(s) comprising said additional halogenated carboxylic group(s)."

In claim 230 the dependency has been changed to depend from claim 228.

In claim 231, line 2, between the phrase "with a" and the phrase "carboxyl group" the word "halogenated" has been added.

In claim 231, lines 2-3, the phrase, "or a reactive derivative of a carboxyl groups" has been deleted.

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In claim 232, line 2, between the phrase "with a" and the phrase "carboxyl group" the word "halogenated" has been added.

In claim 231, lines 2-3, the phrase, "or a reactive derivative of a carboxyl groups" has been deleted.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: Applicant now claims the reaction scheme 2's teaching in steps 4-5 of the halogenated carboxyl groups reacting with the functionalities of the third phenylene ring to produce platform molecules. Such a process is not taught by the art (note scheme 1 and the arguments filed 1/31/05).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

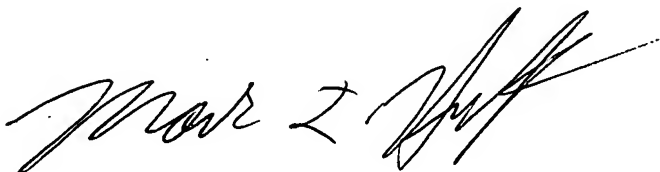
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer R. Sadula whose telephone number is 571.272.1391.

The examiner can normally be reached on Monday through Friday, 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark F. Huff can be reached on 571.272.1385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Mark F. Huff", with a stylized flourish at the end.

JRS
3/3/05

MARK F. HUFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700